

Appl. No. 10/749,701  
Amdt. dated Jan. 13, 2005  
Reply to Office Action of Oct. 18, 2004

## REMARKS

Claims 1-18 are pending. Claims 6, 7, and 15 have been withdrawn from consideration as being drawn to a non-elected invention. Claims 1-5, 8-14, and 16-18 have been rejected under 35 U.S.C. §102. Claims 1-5, 8-14, and 16-18 remain for consideration upon entry of the present amendment.

The Examiner alleges that this application contains claims directed to two patentably distinct species of the claimed invention, viz., the species as embodied in Figures 1-3 (Species I) and the species as embodied in Figures 4-6 (Species II). Accordingly, Applicants are required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner alleges that currently, claims 1-4, 10-12, and 16 are generic.

Further to a telephone conversation between Mr. Richard Getz and the Examiner on October 6, 2004, Applicants have made a provisional election with traverse to prosecute the invention of Species I as embodied in claims 1-5, 8-14, and 16-18. Claims 6, 7, and 15 are accordingly withdrawn from further consideration as being drawn to a non-elected invention.

Applicants understand that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species that are written in independent form or otherwise include all the limitations of an allowed generic claim.

The Examiner has objected to the disclosure because of a matter of formality in paragraph 0015. In particular, the Examiner has indicated that the phrase "FIGS. 5 and 6" should read -- FIGS. 4 and 5 --.

Applicants have corrected the minor informality and respectfully request that the Examiner withdraw the objection to the specification.

Claims 1-5, 8-14, and 16-18 have been rejected under 35 U.S.C. 102(b) as being anticipated by International Application Publication No. WO 00/47374 (hereinafter "the '374 reference"). Applicants traverse the rejection and respectfully request reconsideration.

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Claim 1 is directed to a shaving apparatus comprising one or more razor blades; a reservoir for containing a non-solid shaving aid material; at least one conduit extending between the reservoir and one or more ports; and a pump in fluid communication with one or both of the reservoir and the conduit. Movement of the one or more razor blades actuates the pump, and the pump transfers shaving aid material from the reservoir to the one or more ports.

Claim 12 is directed to a shaving aid material pump comprising a reciprocating mechanism selectively operable to transfer shaving aid material from a reservoir to a port for dispensing to a surface being shaved. The reciprocating mechanism includes a biasing mechanism.

The '374 reference is directed to a safety razor having a blade unit 1 pivotally mounted on a carrying structure 2 for movement about an axis 14. The carrying structure 2 is attached to a container 3. (Page 5, lines 1-3.) The container 3 includes a canister 15 and a fluid reservoir 21 formed within a bag 19, the bag having a flexible wall which is collapsible as the contents of the bag are discharged. A neck at the upper end of the bag 19 is sealed to a valve housing 20. A resiliently compressible annular valve seat 22 is held between a top wall of the canister 15 and the valve housing 20. A valve member 24 is disposed within the valve housing 20. A closed space 23 confined between the canister 15 and the bag 19 contains a propellant gas for forcing the bag to collapse and discharge its contents when the valve member 24 is opened relative to the valve seat 22. (Page 6, lines 1-14.)

The '374 reference fails to disclose, teach, or suggest a shaving apparatus comprising a pump that is actuated by the movement of one or more razor blades, as recited in claim 1. A pump is a device that transfers a fluid by a reciprocating action, a rotary action, or a centrifugal action. In contrast, the device of the '374 reference is simply a valve that, when operated, releases a pressurized gas that forces a bag to collapse, thereby expelling the contents of the bag. The pump as recited in claim 1 is actuated via the movement of blades to transfer shaving aid material and is not a valve that simply releases a pressurized gas that forces a bag to collapse to dispel the contents of the bag. Accordingly, the pump, as recited in claim 1, is not anticipated by the device

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of the '374 reference. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claim 1 based on the '374 reference.

The '374 reference further fails to disclose, teach, or suggest a shaving aid material pump, as recited in claim 12. Pumps are not valves. Therefore, the shaving aid material pump of claim 12 is not a valve that is selectively operated to release a pressurized gas that causes the contents of a bag to be discharged. Accordingly, the shaving aid material pump, as recited in claim 12, is not anticipated by the device of the '374 reference. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claim 12 based on the '374 reference.

To anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence of the reference of any claimed element negates anticipation. Because the '374 reference fails to disclose, teach, or suggest a shaving apparatus comprising a pump that is actuated by the movement of one or more razor blades, as recited in claim 1, the '374 reference fails to disclose each and every element of the claimed invention. Thus, claim 1 is not anticipated by the '374 reference. Furthermore, because the '374 reference further fails to disclose, teach, or suggest a shaving aid material pump, as recited in claim 12, the '374 reference fails to disclose each and every element of the claimed invention. Thus, claim 12 is not anticipated by the '374 reference. For at least these reasons, claims 1 and 12 are allowable, and Applicants respectfully request that the Examiner withdraw the rejections of claims 1 and 12.

Dependent claims, by definition, add recitations that further define the subject matter of the independent claims from which they depend. Because claims 2-5 and 8-11 depend from claim 1, and because claim 1 is asserted to be novel for at least the reasons presented above, claims 2-5 and 8-11 are allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 2-5 and 8-11.

Claims 12-14 and 16-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,417,468 to Miyauchi (hereinafter "Miyauchi"). Claims 12-14 and 16-18 have also been rejected under 35 U.S.C. §102(b) as being anticipated by

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U.S. Patent No. 2,686,361 to Resnick et al. (hereinafter "Resnick"). The rejections of claims 12-14 and 16-18 are traversed, and reconsideration is respectfully requested.

The teachings of claim 12 are presented above.

Miyauchi is directed to a shaving device having a handle that defines a refillable chamber. (Abstract.) The shaving device comprises a blade securing part 1, a discharge control part 2, and a grip 3 that also serves as a container for storing shaving liquid 4. The shaving liquid 4 is discharged through the blade securing part 1. (Column 2, lines 28-33.) The discharge control part 2 comprises a securing portion 13 of an intermediate member 8 and a rotating member 16 that rotates and axially moves within the intermediate member 8. A lower portion of the intermediate member 8 engages the grip 3, the grip being provided at its uppermost and lowermost parts with valves 19 and 21, respectively. The valve 19 is provided with a pipe 20 to effect the operation of the valve. (Column 2, lines 49-64.) When the rotating member 16 is biased downward, the pipe 20 is also biased downward such that a small hole in the pipe 20 is moved out of engagement with a seal member 26. "Thus, the valve 19 is opened so that the shaving liquid 4 pressurizedly contained within the grip-container 3" is discharged from the shaving liquid discharging part. (Column 3, lines 27-39.)

Miyauchi fails to disclose, teach, or suggest a shaving aid material pump. A pump (e.g., a shaving aid material pump) is a device that transfers a fluid by a reciprocating action, a rotary action, or a centrifugal action. In contrast, the device of Miyauchi is simply a valve that, when opened, releases a pressurized gas that drives contained shaving liquid. The shaving aid material pump of the present invention (which drives the shaving aid material via a reciprocating action) is not a valve that, when operated, simply releases a pressurized gas. More specifically, the action of a pump provides a positive force to a fluid to be transferred, whereas a valve provides a simple passive action that allows a fluid under an existing pressure head to flow. Accordingly, the shaving aid material pump, as recited in claim 12, is not anticipated by the device of Miyauchi. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claim 12 based on Miyauchi.

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Resnick is directed to a single- or multiple-bladed safety razor that incorporates a reservoir for containing a shaving lubricant and means for forcing and controlling the quantity of lubricant to a shaving head of the razor forward of the blade edge(s).

(Column 1, lines 1-6.) The reservoir (designated by reference numeral 10 in the Figures) is formed as a hollow, relatively elongated container sized and shaped such that the razor can be grasped by the hand of a user. (Column 2, lines 35-45.) The reservoir 10 is adapted to contain a quantity of a shaving lubricant 20. (Column 2, lines 59-61.) The shaving lubricant 20 is maintained under gas pressure in such a manner as to cause the lubricant to be formed into a lather whenever a suitable valve is opened. Whenever such a valve is opened, the lubricant is discharged under substantial pressure through the valve and is forced through the shaving head and spread over the user's hair and skin. (Column 3, lines 2-15.)

Resnick fails to disclose, teach, or suggest a shaving aid material pump. As above, the present invention as claimed is directed to a pump, which is a device that positively acts on a fluid by a reciprocating action, a rotary action, or a centrifugal action to transfer the fluid. In contrast, the device of Resnick is simply a valve that, when opened, releases a pressurized gas that drives contained shaving liquid. A pump is not a valve. Accordingly, the shaving aid material pump, as recited in claim 12, is not anticipated by the device of Resnick. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claim 12 based on the Resnick reference.

As stated above, to anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence of the reference of any claimed element negates anticipation. Because Miyauchi fails to disclose, teach, or suggest a shaving aid material pump, as recited in claim 12, Miyauchi fails to disclose each and every element of the claimed invention. Thus, Miyauchi necessarily fails to anticipate the claimed invention. Furthermore, because Resnick fails to disclose, teach, or suggest a shaving aid material pump, as recited in claim 12, Resnick fails to disclose each and every element of the claimed invention. Thus, Resnick also necessarily fails to anticipate the claimed invention. Applicants accordingly respectfully request that the Examiner withdraw the rejections of claim 12 based on Miyauchi and Resnick.

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As stated above, dependent claims, by definition, add recitations that further define the subject matter of the independent claims from which they depend. Because claims 13, 14, and 16-18 depend from claim 12, and because claim 12 is asserted to be novel for at least the reasons presented above, claims 13, 14, and 16-19 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 13, 14, and 16-18.

Applicants believe that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein are allowable. In view of the foregoing points that distinguish Applicants' invention from those of the prior art and render Applicants' invention novel, Applicants respectfully request that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicants believe that no fees are due with respect to this Amendment. If, however, the Examiner deems that any fees are in fact due, they may be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

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